

REMARKS

This Amendment is being filed in response to the Office Action mailed April 19, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 1-4, 6-7 and 10-11 have been amended for better clarity and conformance to U.S. practice, such as deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Claims 1-4, 6-7 and 10-11 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the drawings because of reference numeral 33 in FIGs 3A-3B is not mentioned in the specification. In response, the specification has been amended to include reference numeral 33. Accordingly, withdrawal of the drawing objection is respectfully requested.

In the Office Action, the Examiner suggested adding headings to the specification. Applicants gratefully acknowledge the

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Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the office action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended to correct the informalities noted by the Examiner as well as other informalities. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 1, 5 and 7-12 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0069494 (Jolly). Claims 2-4 and 6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Jolly in view of U.S. Patent No. 6,980,682 (Avinash). It is respectfully submitted that claims 1-14 are patentable over Jolly and Avinash for at least the following reasons.

On page 7, first full paragraph of the Office Action, the Examiner correctly noted that Jolly does not teach or suggest compensating for myocardium enclosed in the endocardial contours.

Column 7, lines 1-18 and column 8, lines 8-24 of Avinash are cited in an attempt to remedy the deficiencies in Jolly.

It is respectfully submitted that the noted sections of Avinash merely disclose to "correct the image for intensity fall off ... [where] the intensity of the resulting image decrease exponentially with increasing distances between the organ being sampled and the imaging coils... [where] intensity gradient due to intensity fall off are [removed]."<sup>1</sup> (Column 7, lines 6-11, emphasis added)

It is respectfully submitted that Jolly and Avinash, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 11 which, amongst other patentable features, requires:

compensating for myocardium enclosed in the endocardial contours delineated at the ED during subsequent phases of the cardiac cycle.

Accordingly, it is respectfully submitted that independent claims 1 and 11 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10 and 12-14 should also be allowed at least based on

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their dependence from independent claims 1 and 11.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: New Abstract

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